

1 **REMARKS**

2 The Applicants respectfully request reconsideration and allowance of claims 25-42 in  
3 view of the above amendments and the following arguments.  
4

5 **I. THE AMENDMENTS**

6 The disclosure is amended to correct several typographical errors, and is also amended at  
7 page 26 to employ language consistent with the claim language. Claim 26 is amended above to  
8 correct an antecedent basis error. Claim 32 is amended to indicate that the player data collection  
9 arrangement detects the assignment of the player to the hotel room as discussed at the top of page  
10 31 of the disclosure. Claim 33 is amended for consistency with claim 32.  
11

12 **II. THE CLAIMS ARE NOT ANTICIPATED BY THE CITED ART**

13 The Office Action rejected claims 32, 33, 39, 40, and 42 under 35 U.S.C. 102(e) as being  
14 anticipated by U.S. Patent Publication No. 2004/0166940 to Rothschild (the "Rothschild  
15 reference" or "Rothschild"). The Applicants submit that these claims are not anticipated by  
16 Rothschild.

17 Claim 32 is directed to a gaming system and includes the following elements:

- 18 (a) a gaming machine including a game presentation arrangement capable of  
19 producing a respective game presentation for any one of a number of different  
20 games, the gaming machine being located in a hotel room;

- 1 (b) a player data collection arrangement for detecting that a person has been  
2 assigned to the hotel room in which the gaming machine is located and for  
3 storing player preference information for the person assigned to the hotel room;  
4 (c) a system configuration arrangement for producing a system configuration  
5 command based on the player preference information for the person  
6 assigned to the hotel room; and  
7 (d) a game modification controller in communication with the system configuration  
8 arrangement and with the gaming machine, the game modification controller for  
9 responding to the system configuration command by communicating  
10 presentation switching instructions to the gaming machine, the presentation  
11 switching instructions causing the gaming machine to produce a game  
12 presentation specified by the presentation switching instructions. (Emphasis  
13 Added)

14 The Applicants submit that there is no teaching or suggestion in Rothschild for elements (b), (c),  
15 and (d) in claim 32.

16 The Office Action relies on the reference to a hotel/casino database 40c in paragraph 32  
17 of Rothschild for teaching the limitation of element (b) of claim 32. However, the mere  
18 reference to a hotel/casino database 40c in Rothschild does not teach or suggest any player  
19 detecting arrangement for detecting that a person has been assigned to a given hotel room in  
20 which a given gaming machine is located. This detection as required in element (b) of claim 32  
21 can occur only by recognizing that there is a specific gaming machine in a specific hotel room

1 and that a person has been assigned to that specific hotel room. There is simply no suggestion of  
2 this in the Rothschild reference, either in the cited paragraph 32 or elsewhere.

3 The Office Action cites paragraphs 22, 24, and 30 of Rothschild as disclosing a system  
4 configuration arrangement as required in element (c) of claim 32. The Applicants respectfully  
5 submit that nothing in Rothschild, including paragraphs 22, 24, and 30, teaches or suggests the  
6 system configuration arrangement required at element (c) of claim 32. Paragraph 22 of  
7 Rothschild simply describes variations for a computing device 14 through which games may be  
8 played in the disclosed system. Paragraph 24 of Rothschild merely states that players may be  
9 required to open an account to participate in games, and describes the various types of  
10 information that may be associated with such an account. Paragraph 30 of Rothschild simply  
11 indicates that a player may enroll in a player tracking system at the casino and that certain data  
12 may be associated with the player through the player tracking system. There is no suggestion in  
13 Rothschild of a system configuration arrangement for producing a system configuration  
14 command based on player preference information for a particular person that has been assigned  
15 to a particular hotel room in which a specific gaming machine is located. Thus, Rothschild does  
16 not disclose the limitations set out at element (c) of claim 32.

17 The Office Action cites paragraph 31 of Rothschild as disclosing a game modification  
18 controller as required in element (d) of claim 32. The Applicants respectfully submit that  
19 nothing in Rothschild, including paragraph 31, teaches or suggests the game modification  
20 controller required at element (d) of claim 32. Paragraph 31 of Rothschild simply lists the  
21 various types of information and player preferences that may be provided by a player when the  
22 player enrolls in the casino's player tracking system. There is nothing in paragraph 31 or

1 elsewhere in Rothschild that teaches or suggests a game modification controller for responding to  
2 a system configuration command by communicating presentation switching instructions to a  
3 gaming machine located in a particular hotel room as required by element (d) of claim 32.

4 Applicants' claim 39 is directed to a method of changing a game presentation produced  
5 by a gaming machine and requires the following method steps:

- 6 (a) detecting that a player has been assigned to a hotel room in which the gaming  
7 machine is located;
- 8 (b) retrieving stored player preference information for the player;
- 9 (c) producing a system configuration command based on the retrieved player  
10 preference information for the player, the system configuration command  
11 identifying a game presentation likely to be favored by the player;
- 12 (d) communicating presentation switching instructions to the gaming machine in  
13 response to the system configuration command; and
- 14 (e) changing from the game presentation at the gaming machine to the game  
15 presentation likely to be favored by the player, the change from the game  
16 presentation being performed in response to the presentation switching  
17 instructions.

18 The Applicants respectfully submit that Rothschild does not teach or suggest any of these  
19 limitations. At the outset, the mere reference to a hotel/casino database in paragraph 32 of  
20 Rothschild does not teach or suggest detecting that a player has been assigned to a hotel room  
21 in which a gaming machine is located as required at element (a) of claim 39. Furthermore  
22 nothing in Rothschild suggests retrieving stored player preference information for the particular

1 player that has been assigned to a hotel room in which a gaming machine is located or producing  
2 a system configuration command for this player. Thus, Rothschild also does not teach the  
3 requirements of elements (b) and (c) of claims 39. Rothschild also does not suggest  
4 communicating presentation switching instructions to the gaming machine in the hotel room  
5 assigned to the player as required at element (d) of claim 39. Finally, nothing in Rothschild  
6 teaches or suggests changing a game presentation at the gaming machine in the assigned hotel  
7 room to a presentation likely to be favored by the player that has been assigned to the hotel room  
8 as required by element (e) of claim 39.

9 Since the Rothschild reference does not disclose any component for detecting when a  
10 player has been assigned to a hotel room in which a gaming machine is located, the reference  
11 also cannot disclose the further related limitations in dependent claims 33 and 40.

12 Claim 42 is directed to a program product that includes system configuration code that is  
13 executable for retrieving game preference information for a player that has been assigned to a  
14 hotel room in which a gaming machine is located, and for producing a system configuration  
15 command based on that retrieved information. As indicated above in connection with claims 32  
16 and 39, nothing in Rothschild suggests taking any action for a player that has been assigned to a  
17 hotel room in which a gaming machine is located. Thus, Rothschild cannot teach or suggest the  
18 system configuration code required by element (a) of claim 42. Rothschild also does not suggest  
19 any presentation switching at a gaming machine located in a hotel room and thus cannot suggest  
20 the presentation switching program code required at element (b) of claim 42.

1 Because Rothschild does not disclose all of the elements required in claims 32, 33, 39,  
2 40, and 42, the Applicants believe these claims are not anticipated by the Rothschild reference.  
3 The Applicants therefore believe the anticipation rejection of these claims should be withdrawn.  
4

5 III. THE CLAIMS ARE NOT OBVIOUS IN VIEW OF THE CITED ART

6 The Office Action rejected claims 25-31, 34-38, and 41 under U.S.C. § 103(a) as being  
7 unpatentable over the Rothschild in view of U.S. Patent No. 5,923,252 to Sizer et al. (the "Sizer  
8 patent" or "Sizer"). The Applicants respectfully submit that the claims are not obvious over  
9 Rothschild in view of Sizer on the ground that the proposed combination of Rothschild and Sizer  
10 does not include each element required in the rejected claims.

11 As indicated in the Office Action at the bottom of page 4 and top of page 5, the  
12 Rothschild reference does not teach any element for detecting a player as the player traverses the  
13 gaming facility and approaches the area of the gaming facility in which the gaming machine is  
14 located as required at element (b) of claim 25 and element (a) of claim 34. The Office Action  
15 also indicates that Rothschild does not teach any element for switching the game presentation at  
16 the gaming machine prior to an arrival of the player at the gaming machine as required at element  
17 (e) of claim 25, element (e) of claim 34, and element (b) of claim 41. The Office Action relies on  
18 the Sizer patent for suggesting these elements missing from Rothschild.

19 The Sizer patent is directed to a marketing device that detects the presence of a person  
20 proximate to a product to be marketed and, if it is determined that the person may be interested in  
21 the product, delivers a marketing message. It is made very clear particularly in the description  
22 beginning at Col. 2, line 44 of Sizer that simple detection of a person by itself is insufficient to

1 cause a message to be delivered. Rather, Sizer requires some determination of whether or not the  
2 marketing message should be delivered to a detected person. **For this reason, there is no**  
3 **teaching or suggestion in the Sizer patent of providing a marketing message prior to the**  
4 **arrival of a person at a product.** According to Sizer, it must first be determined that the person  
5 has some interest in the product prior to presenting the marketing message. Thus, even if the  
6 advertising system disclosed in Sizer was somehow combined with the gaming system described  
7 in Rothschild, the resulting combination would still not include any element for taking an action  
8 at a gaming machine **prior to the arrival of the detected player at the gaming machine as**  
9 **required by claims 25, 34, and 41.** Furthermore, providing an advertising message as disclosed  
10 by Sizer and as suggested in the Office Action at lines 9-14 of page 5 **does not suggest**  
11 **switching game presentations prior to the arrival of the player at the gaming machine.**

12 Because the proposed combination of Rothschild and Sizer fails to teach or suggest all of  
13 the elements required in claims 25, 34, and 41, these claims are not obvious in view of the  
14 references. The Applicants therefore submit that claims 25, 34, and 41 are in condition for  
15 allowance together with their respective dependent claims.

1 CONCLUSION

2 For all of the above reasons the Applicants respectfully request reconsideration and  
3 allowance of claims 25-42.

4 If any issue remains as to the allowability of these claims, or if a conference might  
5 expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney  
6 prior to issuing a further action in this case.

7  
8 Respectfully submitted,

9 The Culbertson Group, P.C.

10  
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